

REPORT DOCUMENTATION PAGE			
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		3. REPORT TYPE & DATE COVERED DoD Directive 5230.25, Ch 1, 8/18/95	
4. TITLE & SUBTITLE  Withholding of Unclassified Technical Data From Public Disclosure		5. FUNDING NUMBERS	
6. AUTHOR(S)  D. Appler			
7. PERFORMING ORGANIZATION NAME(S) & ADDRESS(ES)  Director, Defense Research and Engineering 3030 Defense Pentagon Washington, DC 20301-3030		8. PERFORMING ORGANIZATION REPORT NUMBERS	
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**DEPARTMENT OF DEFENSE  
DIRECTIVES SYSTEM TRANSMITTAL**

NUMBER 5230.25, Change 1	DATE August 18, 1995	DISTRIBUTION 5000 Series
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**ATTACHMENTS**

2 Pages

**INSTRUCTIONS FOR RECIPIENTS**

The following page changes to DoD Directive 5230.25, "Withholding of Unclassified Technical Data From Public Disclosure," November 6, 1984, is authorized:


**PAGE CHANGE**

Remove: Pages 7 and 8

Insert: Attached replacement pages

**EFFECTIVE DATE**

The above changes are effective immediately.

  
B. C. WHITEHEAD  
Director  
Correspondence and Directives

WHEN PRESCRIBED ACTION HAS BEEN TAKEN, THIS TRANSMITTAL SHOULD BE FILED WITH THE BASIC DOCUMENT

d. To Congress or any Federal, State, or local governmental agency for regulatory purposes, or otherwise as may be required by law or court order. Any such dissemination shall include a statement that the technical data are controlled by the Department of Defense in accordance with this Directive.

9. A qualified U.S. contractor desiring to disseminate technical data subject to this Directive in a manner not permitted expressly by the terms of this Directive shall seek authority to do so from the controlling DoD office.

10. Any requester denied technical data, or any qualified U.S. contractor denied permission to redisseminate such data, pursuant to this Directive, shall be provided promptly a written statement of reasons for that action, and advised of the right to make a written appeal of such determination to a specifically identified appellate authority within the DoD Component. Appeals of denials made under DoD 5400.7-R (reference (e)) shall be handled in accordance with procedures established therein. Other appeals shall be processed as directed by the OUSDR&E.

11. Denials shall cite 10 U.S.C. 140c (reference (a)) as implemented by this Directive, and, in the case of FOIA (reference (i)) denials made in reliance on this statutory authority, 5 U.S.C. 552(b)(3) (reference (i)). Implementing procedures shall provide for resolution of any appeal within 20 working days.

#### F. RESPONSIBILITIES

1. The Under Secretary of Defense for Research and Engineering (USDR&E) shall have overall responsibility for the implementation of this Directive and shall designate an office to:

- a. Administer and monitor compliance with this Directive.
- b. Receive and disseminate notifications of temporary revocation in accordance with subsection E.5., above.
- c. Receive recommendations for disqualification made in accordance with subsection E.6., above, and act as initial disqualification authority.
- d. Provide, when necessary, technical assistance to DoD Components in assessing the significance of the military or space application of technical data that may be withheld from public disclosure under this Directive.
- e. Establish procedures to develop, collect, and disseminate certification statements and ensure their sufficiency, accuracy, and periodic renewal, and to make final determinations of qualification.
- f. Ensure that the requirements of this Directive are incorporated into the DoD Federal Acquisition Regulation Supplement (reference (h)) for optional application to contracts involving technical data governed by this Directive.
- g. Develop, in conjunction with the General Counsel, Department of Defense, guidelines for responding to appeals.